

DCS-9091A

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Farina et al

Docket: DCS-9091A

Filed: August 8, 2001

Group Art Unit: 1743

Serial No.: 09/924,383

Examiner: Beisner, William H.

Title: Reagent Container and Canister For Use  
In An Automated Microbiological Analyzer

AFFADAVIT UNDER 37 CFR 1.131

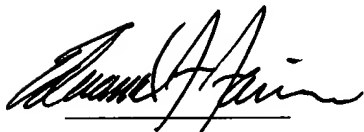
Commissioner for Patents  
P. O; Box 1450  
Alexandria, VA. 22313-1450

Sir:

The undersigned, being duly sworn, depose and say:

1. We are joint inventors of the patent application identified above claiming the broth container and canister disclosed therein and on 18 May 2004 filed an affidavit with the US PTO intended to overcome a rejection of the above-identified application under 35 USC 102(e) by providing evidence that the broth container and canister claimed in the above-identified application were reduced to practice and satisfactorily tested for functioning in accord with their intended purpose before April 24, 2001.
2. Confirming evidence that the broth container and canister were conceived and reduced to practice on or before August 17, 2000, were provided with the 18 May 2004 affidavit.

3. The acts relied upon to establish said confirming evidence, as described in numbered paragraphs 3-9, were performed entirely within the United States of America, in particular within the states of Massachusetts and Delaware.
4. We believe the foregoing is ample and sufficient evidence that the broth container and canister claimed in the above-identified application for patent were reduced to practice and satisfactorily tested to confirm their functioning in accord with their intended purposes were carried out entirely within the United States of America the during the time period between June and August, 2000, well before the date of April 24, 2001.

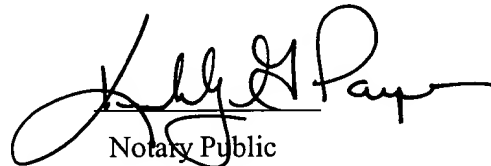


Edward F. Farina

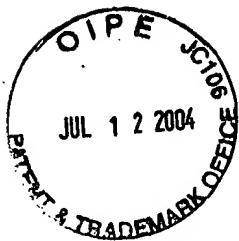


Peter L. Gebrian

Sworn to and subscribed before me  
this 6 th day of July, 2004.

  
Notary Public

**Kimberly G. Payne**  
**Notary Public**  
**My Commission Expires**  
**on 1 April, 2006**



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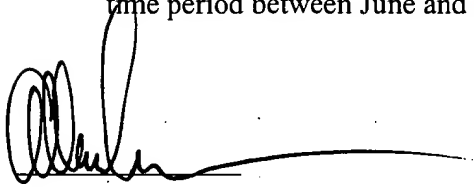
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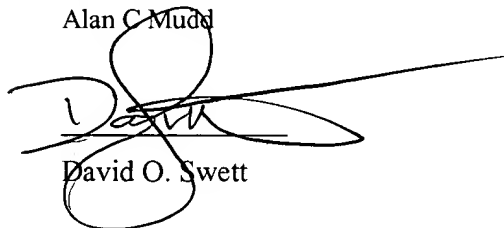
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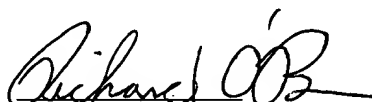
Allan L. Cameron



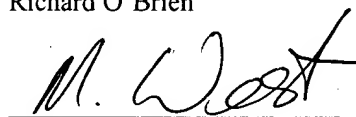
Alan C. Mudd



David O. Swett

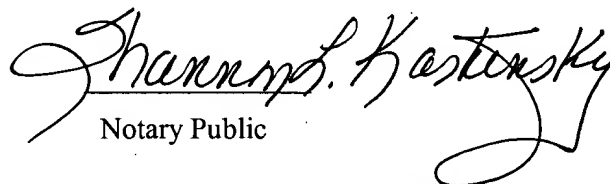


Richard O'Brien

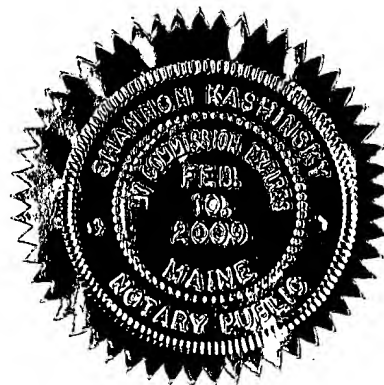


Adrian M. T. West

Sworn to and subscribed before me  
this 30 th day of JUNE, 2004.

  
Notary Public

SHANNON KASHINSKY  
Notary Public  
Commonwealth of Massachusetts  
My Commission Expires  
December 12, 2010





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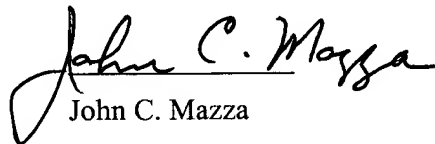
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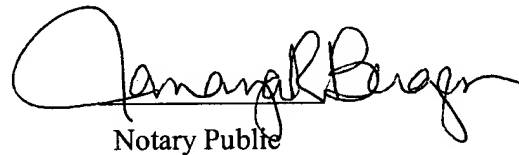
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John C. Mazza

Sworn to and subscribed before me  
this 28 th day of June, 2004.

  
Notary Public

